

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

RAY JACKS

PLAINTIFF

VS.

CIVIL ACTION NO.: 4:11-CV-141-NBB-JMV

**JOHN DOE AND
ALLSTATE INSURANCE COMPANY**

DEFENDANTS

ORDER

This matter is before the court on the plaintiff's motion to stay all proceedings pending a ruling on the motion to remand filed by the plaintiff on January 24, 2013 after close of discovery and on the eve of trial. Nonetheless, the court finds the motion to be well-taken. Rule 16(b)(1)(B) of the Uniform Local Rules provides:

A motion to remand or a motion to refer an action to the bankruptcy court will stay the attorney conference and disclosure requirements and all discovery not relevant to the remand or referral issue and will stay the parties' obligation to make disclosures pending the court's ruling on the motions. At the time the remand motion or referral motion is filed, the movant must submit to the magistrate judge an order granting the stay but permitting discovery concerning only the remand or referral issue. The parties must promptly notify the magistrate judge of any order denying a motion to remand or motion to refer and must promptly submit an order lifting the stay.

The local rule anticipates the filing of motions to remand during the early stages of litigation, prior to a case management conference and the setting of a trial date. However, given jurisdictional limitations of the court, it is hereby ordered that all proceedings herein shall be and are hereby stayed pending the court's ruling on the Motion to Remand.

IT IS FURTHER ORDERED that should the Motion to Remand be denied, plaintiffs'

counsel shall contact the court immediately to advise of the need to reschedule the pretrial conference.

SO ORDERED, this, the 13th day of February 2013.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE